



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 47

**An Act to amend the Civil Code and
other legislative provisions as regards
adoption, parental authority and
disclosure of information**

Introduction

**Introduced by
Mr. Bertrand St-Arnaud
Minister of Justice**

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EXPLANATORY NOTES

The amendments in this bill are mainly to the Civil Code and the Youth Protection Act and they introduce, among other things, new ways of exercising parental authority, changes to adoption and to the confidentiality regime that applies to adoption files and new measures relating to the publication of judgments in youth protection matters.

Under a new form of dative tutorship, the court will be given the authority to appoint a member of a child's extended family as the child's tutor and delegate the rights and duties associated with parental authority and the parents' legal tutorship to the tutor. Another measure will allow a father or mother who is the sole parent exercising parental authority over a child to share the exercise of that authority with his or her spouse.

Adoption will be coupled with formal recognition of pre-existing bonds of filiation when it is in the interest of the child to protect a meaningful identification with the original parents. As well, the effects of Aboriginal customary adoption, when it creates a new filiation, will be legally recognized. Furthermore, when such an adoption recognizes a pre-existing bond of filiation, it will also, according to custom, maintain rights and obligations in the child's original family. The bill specifies the rules that apply to the adoption of children domiciled outside Québec, including the rule that no adoption-related judgment may be rendered in Québec in relation to a child who is in Québec without an authorization to remain permanently in Canada.

It will be possible for adopters and original parents to enter into an openness agreement to facilitate the communication of information about the child or govern their relations with one another or with the child during the placement or after the adoption, and to have the agreement judicially approved, amended or revoked.

New rules are prescribed as regards the disclosure of information about adopted persons and their original parents, but do not apply to Aboriginal customary adoptions or international adoptions, which are covered by their own standards. The new rules guarantee, however, that any information about a minor is to remain confidential until he or she reaches full age. They provide that adopted children can learn the identity of their original parents and reunite with them, and vice versa, on the condition that no identity disclosure or contact vetoes have been registered. For adoptions having taken place before

the proposed reform, transitional measures ensure that identity disclosure or contact vetoes will be registered in the adoption files concerned in the name of persons who had refused to consent to the disclosure of their identity or to reunions. All measures relating to the disclosure of information will also apply to persons who were declared eligible for adoption but were never adopted.

As regards the publication of judgments of the Court of Québec in youth protection matters, the bill proposes that a copy of any such decision be sent without delay to the Société québécoise d'information juridique which, before publishing the decision, would ensure that certain information is kept confidential in accordance with the law.

Lastly, the bill contains ancillary amendments to civil procedure as well as consequential amendments, including provisions authorizing the Government to make regulations prescribing the mandatory content of adoption files and conditions for the registration or withdrawal of vetoes, and facilitating the collection of the information needed for identity disclosures or reunions under the responsibility of the child and youth protection centre, the youth protection director and the Minister of Health and Social Services.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec;
- Health Insurance Act (chapter A-29);
- Code of Civil Procedure (chapter C-25);
- Youth Protection Act (chapter P-34.1);
- Act respecting health services and social services (chapter S-4.2).

MINISTERIAL ORDERS AMENDED BY THIS BILL:

- Ministerial Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec (chapter P-34.1, r. 2);
- Ministerial Order respecting the certification of intercountry adoption bodies (chapter P-34.1, r. 3).

Bill 47

AN ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS ADOPTION, PARENTAL AUTHORITY AND DISCLOSURE OF INFORMATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

1. Article 129 of the Civil Code of Québec is amended by inserting the following paragraph after the first paragraph:

“The authority that issues an Aboriginal customary adoption certificate notifies it without delay to the registrar of civil status.”

2. Article 132 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “The same applies as soon as an adoption judgment or an Aboriginal customary adoption certificate is notified to the registrar of civil status.”;

(2) by adding the following at the end of the first sentence of the third paragraph: “and, in the case of an adoption with recognition of a pre-existing bond of filiation, those relating to that bond, specifying their antecedence”.

3. The Code is amended by inserting the following article after article 132:

“132.0.1. An Aboriginal customary adoption certificate states the name and sex of the child, the place, date and time of birth, the date of the adoption, the names, dates of birth and places of domicile of the original father and mother and those of the adopters and, if applicable, the new name given to the child.

It mentions that the adoption took place in accordance with applicable Aboriginal custom and mentions the recognition or not of a pre-existing bond of filiation. If, according to custom, the adoption recognizes such a bond and in addition maintains rights and obligations between the adopted child and an original parent, the certificate also makes mention of this, specifying the rights and obligations maintained.

The certificate states the date when it is made and the name, capacity and domicile of its author and bears the latter’s signature.”

4. Article 132.1 of the Code is amended by adding the following paragraph at the end:

“The authority that issues an act recognizing an Aboriginal customary adoption notifies it without delay to the registrar of civil status, attaching the act recognized. If such an act is issued by a court, the clerk notifies it as soon as the judgment has become final and encloses the act recognized.”

5. Article 136 of the Code is amended by adding the following sentences at the end of the second paragraph: “In the case of an Aboriginal customary adoption with recognition of a pre-existing bond of filiation, these notations are also made on the new act of birth. Where the adoption in addition maintains rights and obligations between the adopted child and an original parent, this is also mentioned on the new act of birth, with a reference to the altering act. A copy of the altering act may, in this last case, be issued to persons named in it and to persons who establish their interest.”

6. Article 146 of the Code is amended by adding the following sentence at the end of the second paragraph: “In the case of an adoption with formal recognition of a pre-existing bond of filiation, the names of the person’s original father and mother may also, on request, be stated on the birth certificate.”

7. The Code is amended by inserting the following after article 152:

“SECTION VII

“AUTHORITIES COMPETENT TO ISSUE ABORIGINAL CUSTOMARY ADOPTION CERTIFICATES

“152.1. A list, which must be kept up to date, of the authorities designated as competent to issue Aboriginal customary adoption certificates, and specifying for each the commencement date and, if known, the termination date of the designation, is communicated by the Minister of Justice to the registrar of civil status so that appropriate entries and deletions may be made in a register.

The Aboriginal community or nation that designated such an authority is responsible for informing the Minister without delay if the authority becomes unable to act, is dismissed or dies so that appropriate deletions may be made in the list and in the register.”

8. Article 183 of the Code is amended

(1) by inserting “a tutor appointed under article 206.1 and” after “Fathers and mothers,” in the first paragraph;

(2) in the second paragraph,

(a) by inserting “or a tutor appointed under article 206.1” after “a father or mother”;

(b) by replacing “of their child” by “of the minor”.

9. Article 184 of the Code is amended by inserting “other than a tutor appointed under article 206.1” after “A dative tutor” in the first sentence.

10. Article 201 of the Code is amended by replacing the first paragraph by the following paragraph:

“201. The right to appoint a tutor to an orphan belongs exclusively to the last parent to die if that parent still has legal tutorship on the day he or she dies. The right to appoint a tutor in the event of incapacity belongs to the last parent who has the capacity to exercise tutorship if he or she still has legal tutorship on the day the mandate given in anticipation of his or her incapacity takes effect or protective supervision is instituted.”

11. Article 202 of the Code is amended by inserting “in anticipation of his or her death or incapacity” after “appointed by the father or mother” in the first paragraph.

12. Article 203 of the Code is amended by replacing “shall notify the liquidator of the succession and the Public Curator” by “shall notify the Public Curator and, if one has been appointed, the liquidator of the succession”.

13. Article 205 of the Code is amended

(1) by replacing “appointed by the father and mother” in the first paragraph by “by the father or mother in anticipation of his or her death or incapacity”;

(2) by joining the first two paragraphs together;

(3) by adding the following paragraph at the end:

“Tutorship may also be conferred by the court under article 206.1.”

14. The Code is amended by inserting the following articles after article 206:

“206.1. The father and mother may ask the court to appoint a person designated by them as tutor to their child if they are in a situation where they are no longer able to fully exercise their parental authority. Only the spouse of either parent, an ascendant of the child, a relative of the child in the collateral line to the third degree or the spouse of such an ascendant or relative may be so appointed as tutor to the child.

The application may be filed by the father or mother alone if one of the parents is deceased, unable to express his or her will or deprived of parental authority.

If the sole parent holding parental authority or both parents are unable to express their will, any person who could be appointed as tutor under the first paragraph and has de facto custody of the child may apply to the court for tutorship.

When so conferred, tutorship may not be divided.

“206.2. Tutorship may not be conferred under article 206.1 without the consent of the child if 10 years of age or over, unless the child is unable to express his or her will.

However, if a child under 14 years of age refuses to give consent, the court may confer tutorship despite the child’s refusal. The refusal of a child 14 years of age or over to give consent is a bar to the conferral of tutorship.

“206.3. Any interested person may contest an application for the tutorship filed under article 206.1 or contest the designation of the tutor.

However, the court may not, without the consent of the father and mother, substitute another person for the tutor designated by the father and mother, unless they are unable to express their will. If one of the parents is deceased, unable to express his or her will or deprived of parental authority, the consent of the other is sufficient.

“206.4. If new facts arise after the conferral of tutorship under article 206.1, the father and mother may be reinstated in their rights and duties by the court, on an application by either parent, the tutor or the minor if 10 years of age or over.”

15. Article 209 of the Code is amended by adding the following sentence at the end: “The same applies to a tutor appointed under article 206.1.”

16. Article 223 of the Code is amended, in the second paragraph,

(1) by inserting “where tutorship is conferred under article 206.1, unless the tutor is required, in respect of the administration of the property of the minor, to make an inventory, to furnish security or to render an annual account of management or” after “No council is established”;

(2) by replacing “a person he has recommended as tutor,” by “a person recommended as tutor by the director of youth protection,”.

17. Article 225 of the Code is amended

(1) by replacing “or the father and mother, as the case may be,” in the first paragraph by “or, if applicable, the father and mother or the tutor appointed under article 206.1”;

(2) by inserting “or the tutor appointed under article 206.1” after “The father and mother” in the second paragraph.

18. The Code is amended by inserting the following article after article 253:

“253.1. In the case of tutorship conferred under article 206.1, the court may not, without the parents’ consent, replace the tutor designated by the father and mother, unless they are unable to express their will. If one of the parents is deceased, unable to express his or her will or deprived of parental authority, the consent of the other is sufficient.”

19. Article 255 of the Code is amended by adding the following sentence at the end of the second paragraph: “Moreover, tutorship conferred under article 206.1 ends on the death of the last surviving parent, on the incapacity of the last capable parent or on the parents’ loss of legal tutorship.”

20. Article 542 of the Code is amended, in the second paragraph,

(1) by replacing both occurrences of “seriously harmed” by “harmed”;

(2) by replacing “, confidentiellement,” in the French text by “de manière confidentielle”.

21. The heading of Chapter II of Title Two of Book Two of the Code is replaced by the following heading:

“FILIACTION BY ADOPTION”.

22. The Code is amended by inserting the following after the heading of Chapter II of Title Two of Book Two:

“PRELIMINARY PROVISION

“542.1. Adoption establishes a filiation between the child and the adopter which succeeds the child’s pre-existing filiation.

In order to protect a meaningful identification of the child with an original parent, adoption may be coupled with formal recognition of the pre-existing bond of filiation between the child and the father or the child and the mother although the bond has been severed.

23. The Code is amended by inserting the following articles after article 543:

“543.1. Conditions of adoption under any Québec Aboriginal custom that is in harmony with the principles of the interest of the child, respect for the child’s rights and the consent of the persons concerned may be substituted for conditions prescribed by law. Unless otherwise stipulated and except for Section III, the following provisions of this chapter do not apply to an adoption made in accordance with such a custom.

Such an adoption which, according to custom, creates a bond of filiation between the child and the adopter is attested, at the request of either of them, by the competent authority of the Aboriginal community or nation of either the child or the adopter. The authority issues a certificate attesting that the adoption was carried out according to custom, in particular that the required consents were duly given and that the child is in the care of the adopter; the authority also makes sure, in light of an objective assessment, that the adoption is in the interest of the child.

The authority competent to attest to the adoption is a person or body domiciled in Québec, designated in an act notified to the Minister of Justice by the Aboriginal community or nation. The attesting authority cannot be a party to the adoption.

“543.2. No adoption-related judgment may be rendered nor may a customary adoption certificate or an act recognizing a customary adoption be issued in Québec in relation to a child who is in Québec without an authorization to remain permanently in Canada.”

24. The Code is amended by inserting the following article after article 547:

“547.1. A person wishing to adopt a minor child for whom general consent to adoption has been given or for whom the director of youth protection has obtained judicial declaration of eligibility for adoption must undergo a psychosocial assessment to be conducted as prescribed by the Youth Protection Act (chapter P-34.1). In any other case, such an assessment is at the court’s discretion.”

25. Article 548 of the Code is replaced by the following article:

“548. Consent to adoption required under articles 549 to 555 is for adoption resulting in severance of the bond of filiation between the child and the parent, for such an adoption with formal recognition of that bond or for one or the other indiscriminately.

Consent to adoption may not be given on the condition that an openness agreement be made or be approved by the court.

Consent to adoption must be given in writing before two witnesses. The same applies to the withdrawal of consent.”

26. Article 552 of the Code is amended by adding the following sentence at the end: “The latter’s consent is given for each of the child’s bonds of filiation.”

27. Article 553 of the Code is amended by adding the following sentence at the end: “The tutor’s consent is given for each of the child’s bonds of filiation.”

28. Article 562 of the Code is amended by adding “until the placement order is issued” at the end.

29. The heading of subsection 5 of Section I of Chapter II of Title Two of Book Two of the Code is amended by adding “*by a person domiciled in Québec*” at the end.

30. The Code is amended by inserting the following article at the beginning of subsection 5 of Section I of Chapter II of Title Two of Book Two:

“562.2. Every person domiciled in Québec wishing to adopt a child domiciled outside Québec must comply with the provisions of this chapter, regardless of the person’s nationality, of whether the person has a residence in the State of the child’s domicile or otherwise has a right to act in a foreign State under the laws in force in that State and of whether the adoption is to take place in Québec or in a foreign State.”

31. Article 563 of the Code is amended

- (1) by inserting “minor” before “child”;
- (2) by inserting “, even if the person is related to the child,” after “shall”.

32. Article 564 of the Code is amended

(1) by replacing “The adoption arrangements are made” by “Arrangements for the adoption of a minor child must be made”;

(2) by replacing “unless an order of the Minister published in the *Gazette officielle du Québec* provides otherwise” by “unless that Minister prescribes otherwise by regulation”.

33. Article 565 of the Code is amended by adding the following paragraph at the end:

“The Aboriginal customary adoption of a child domiciled outside Québec but in Canada which, according to custom, creates a bond of filiation between the child and an adopter domiciled in Québec may be recognized at the request of either of them, if the adoption is confirmed by a juridical act issued under the applicable law in the State of the child’s domicile. The adoption may be recognized either by the court or by the authority competent to issue a customary adoption certificate for the community or nation of the adopter.”

34. The Code is amended by inserting the following articles after article 565:

“565.1. Before recognizing a juridical act, other than a court judgment, evidencing an Aboriginal customary adoption, an authority verifies that it meets the conditions for the recognition of foreign decisions without undertaking an examination of its merits. If it meets the conditions, the authority enters on

the act of recognition the same statements and notations as on an Aboriginal customary adoption certificate, and signs it.

“565.2. As soon as the child arrives in Québec, the adopter shall take all necessary steps to obtain an adoption judgment or the judicial recognition of the adoption decision.

If the adoption process or adoption recognition process concerning a minor child is not completed within a reasonable time, the director of youth protection may, at the request of the Minister of Health and Social Services, take, in the adopter’s place and stead, all necessary steps to bring the process to completion. If the adoption process is dropped or if the adoption is not granted or recognized for reasons attaching to the adopter, the director may, at the Minister’s request and according to the Minister’s instructions, if any, ask the court, in accordance with article 565, to grant an order of placement with another adopter for adoption.

The same holds if the adopter fails to transmit to the Minister, within the time specified in section 8 of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3), the certificate issued by the competent authority of the State where the adoption took place to certify that the adoption is compliant with the Convention.”

35. The heading of Section II of Chapter II of Title Two of Book Two of the Code is amended by striking out “AND ADOPTION JUDGMENT”.

36. Article 566 of the Code is replaced by the following article:

“566. The adoption of a minor child may take place only if the child has previously been placed in the adopter’s care.

The adoption placement is ordered by the court and must be for at least six months. The duration of the placement may, however, at the time the placement is ordered, be reduced by up to three months in light of such factors as any period for which the child has lived with the adopter before the issue of the placement order.”

37. Article 568 of the Code is amended

(1) by replacing the first paragraph by the following paragraphs:

“568. Before granting a placement order, the court makes sure that the conditions for adoption have been complied with.

If the child is domiciled outside Québec, the court makes sure that consent has been given for an adoption which will sever the child’s pre-existing bonds of filiation.”;

(2) by replacing “requête” in the third paragraph in the French text by “demande”.

38. The Code is amended by inserting the following article after article 568:

“568.1. The court grants an adoption placement order in accordance with the application filed and the consents given, if any were required.

The court may not grant a placement order for adoption with formal recognition of a pre-existing bond of filiation unless it is in the best interest of the child to recognize the bond in order to protect a meaningful identification of the child with the original parent.

However, if the child is domiciled outside Québec, the court may not grant a placement order for adoption with formal recognition of a pre-existing bond of filiation.”

39. Article 569 of the Code is amended

(1) by replacing “the surname and given names chosen by the adopter, which are recorded in the order” in the first paragraph by “the surname and given names that the court may assign to the child under article 576, which, if so assigned, are recorded in the order”;

(2) by striking out “by blood” at the end of the second paragraph.

40. The Code is amended by inserting the following heading after article 572:

“SECTION II.1

“ADOPTION JUDGMENT”.

41. The Code is amended by inserting the following article after article 573:

“573.0.1. The court grants the adoption in accordance with the provisions of the placement order as to whether a pre-existing bond of filiation is formally recognized.

In the case of the adoption of a person of full age, the court grants the adoption in accordance with the application filed and the consent given. However, if the person of full age is domiciled outside Québec, the court may not grant an adoption with formal recognition of a pre-existing bond of filiation.”

42. Article 574 of the Code is amended

(1) by inserting “, without otherwise examining the merits of the decision,” after “ascertains” in the first paragraph;

(2) by replacing “the pre-existing bond of filiation between the child and the child’s family of origin” at the end of the first paragraph by “the child’s pre-existing bonds of filiation”;

(3) by replacing “requête” in the third paragraph in the French text by “demande”.

43. The Code is amended by inserting the following article after article 574:

“574.1. Before recognizing a juridical act evidencing an Aboriginal customary adoption, the court, without undertaking an examination of its merits, verifies that it meets the conditions for the recognition of foreign decisions. If this is the case, the court issues an act of recognition bearing the same statements and notations as an Aboriginal customary adoption certificate as well as the signature of the judge who rendered the judgment.”

44. Article 576 of the Code is amended by adding the following at the end: “or assigns him a surname consisting of two parts, one part being taken from the surname of the parent with whom a pre-existing bond of filiation is to be formally recognized and the other from the adopter’s surname”.

45. Article 577 of the Code is replaced by the following articles:

“577. Adoption confers on the adopted person a filiation which succeeds the person’s established paternal and maternal filiation.

However, in the case of an adoption by the spouse of the child’s father or mother, the new filiation only succeeds the established filiation, if any, with the child’s other original parent.

Subject to impediments to marriage or civil union, the adopted person ceases to belong to his or her original family, although pre-existing bonds of filiation may be formally recognized.

“577.1. When an adoption is granted, the effects of the pre-existing filiation cease. The adopted person and the original parent lose all rights and are released from all obligations with respect to each other. The tutor, if any, loses all rights and is released from all obligations with respect to the adopted person, save the obligation to render accounts. The same applies when the adoption is attested by an Aboriginal customary adoption certificate, subject to any provisions to the contrary in keeping with Aboriginal custom and specified in the certificate.”

46. Article 578 of the Code is amended by striking out the second paragraph.

47. Article 578.1 of the Code is amended by replacing “the rights and obligations of each parent are determined in the adoption judgment” in the second paragraph by “the rights and obligations of each parent are determined

in the adoption judgment, the Aboriginal customary adoption certificate or the act or judgment recognizing the adoption”.

48. Article 579 of the Code is repealed.

49. Article 581 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“**581.** The recognition of an adoption decision made outside Québec produces, as of the time the decision was made, the same effects as a judgment granting an adoption rendered in Québec.”;

(2) by adding the following paragraph at the end:

“The recognition of an Aboriginal customary adoption having taken place outside Québec but in Canada produces, as of the adoption date specified in the act recognizing the adoption, the same effects as an Aboriginal customary adoption certificate.”

50. The Code is amended by inserting the following after article 581:

“SECTION III.1

“OPENNESS AGREEMENT

“**581.1.** When granting a placement order, the court may approve an agreement between the adopter and the child’s father, mother or tutor regarding the disclosure or sharing of information about the child or regarding relations with one another or with the child during the placement and after the adoption.

Such an agreement may be made only if it is in the child’s best interest and only if the child consents to the agreement.

“**581.2.** The court may, at the request of one of the parties or at the child’s request, approve any amendment to the agreement to which the parties and the child have consented.

The court may also, at the request of one of them, revoke the agreement.

“**581.3.** The parties may revoke the agreement by mutual agreement if the child also consents to its revocation. To become effective, the revocation must be homologated by the special clerk of the court.

“**581.4.** The consent of children under 10 years of age or unable to express their will is not required under this section.”

51. Article 582 of the Code is amended by replacing “of the parents” in the second paragraph by “of the original parents, of the tutor, if one has been appointed,”.

52. Article 583 of the Code is replaced by the following articles:

“583. An adopted person, including one under 14 years of age who has obtained the prior approval of his or her father and mother or tutor, has the right to obtain, from the authorities charged by law with making such disclosures, his or her original name, the names of his or her original parents and information allowing them to be contacted.

Likewise, an original parent has the right, once the adopted person has reached full age, to obtain the name given to the person and information allowing the person to be contacted.

No such information may be disclosed, however, if an identity disclosure veto or a contact veto bars their disclosure or if the veto registration period has not yet lapsed. In the case of the adoption of a child domiciled outside Québec, such information may only be disclosed subject to the conditions set out in article 583.10.

“583.1. An original parent may register an identity disclosure veto within one year after the child’s birth.

The registration of such a veto automatically entails a veto barring the disclosure of the child’s identity to that parent.

“583.2. In the case of adoptions having taken place before (*insert the date of coming into force of this article*), a veto barring the disclosure of the adopted person’s identity to either of the original parents is registered automatically.

In such cases, an original parent may register an identity disclosure veto before (*insert the date that occurs 18 months after the date of coming into force of this article*). After that date, an original parent may still do so for so long as a first request for information about the parent has not been filed.

“583.3. An identity disclosure veto registered by an original parent, in addition to barring the disclosure of that parents’s name, bars the disclosure of the adopted person’s original name if it reveals the original parent’s name.

“583.4. At any time before the disclosure, where permitted, of the identity of an adopted person or an original parent, the adopted person or original parent may register a contact veto barring any contact between them or allowing contact subject to specified conditions.

“583.5. Before the identity of the person sought is disclosed, the person, unless untraceable, must be informed of the request for information and be

given the opportunity to register a contact veto against the person making the request.

“583.6. When only a contact veto is registered, the name of the person sought is disclosed on the condition that the contact veto be complied with.

An adopted person or an original parent who obtains that information on that condition but violates the condition is liable toward the person who registered the veto and may also be required to pay punitive damages.

“583.7. An identity disclosure veto or a contact veto may be withdrawn at any time.

An identity disclosure veto ceases to have effect on the first anniversary of the death of the person who registered it.

“583.8. A veto is registered or withdrawn personally by the person concerned in accordance with the rules prescribed under the Youth Protection Act (chapter P-34.1).

However, if the person is unable to express his or her will, the person’s mandatory, tutor or curator may register or withdraw the veto in the person’s place. If the person is not so represented, the person’s spouse, a close relative or another person who shows a special interest in the person may do so in the person’s place.

“583.9. If a veto is registered by operation of law for the benefit of an adopted person or registered by a third person other than a mandatory, a tutor or a curator, the person in whose behalf the veto is registered must, at the time the first request for information about the person is made, be informed of the request and be given the opportunity to maintain or withdraw the veto.

If the withdrawal of a veto is requested by such a third person, the person in whose behalf the veto is registered must be informed of the withdrawal request and be given the opportunity to oppose it.

“583.10. In the case of adoptions of a child domiciled outside Québec, the disclosure of information about the child or the original parents is subject to the prior consent of the person sought, unless the laws of the child’s State of origin prohibit such disclosures, in which case the information is to remain confidential.

However, the disclosure to the child of his or her original name or of information about his or her original parents is allowed, without their consent, if the laws of the child’s State of origin so provide.

The absence of consent to the disclosure of information bars the disclosure of both information about the person’s identity and information allowing the person to be contacted.

If a person consents only to the disclosure of his or her identity, the person's identity is disclosed on the condition that the person's refusal of contact be complied with. An adopted person or an original parent who obtains that information on that condition but violates the condition is liable toward the person who has refused contact and may also be required to pay punitive damages."

53. Article 584 of the Code is amended

(1) by replacing both occurrences of "serious injury" by "injury";

(2) by replacing "close relatives" in the first paragraph by "descendants or close relatives" and "A close relative" in the second paragraph by "A descendant or a close relative";

(3) by replacing "the adopted person to obtain such information" in the first paragraph by "the information to be sent confidentially to the medical authorities concerned".

54. The Code is amended by inserting the following article after article 584:

"584.1. This section applies to children eligible for adoption because consent to their adoption has been given or because they have been judicially declared eligible for adoption, and to their parents, even if the children have never been adopted."

55. Article 602 of the Code becomes article 600.1.

56. The Code is amended by inserting the following articles before article 603:

"602. A father or mother who is de facto or de jure the sole parent to exercise parental authority may, with the authorization of the court, share the exercise of parental authority with his or her spouse provided the spouse is of age or emancipated and has been living with the child for at least one year.

"602.1. The exercise of parental authority may be shared only if it is in the child's best interest.

The exercise of parental authority may be so shared only with the other parent's consent, unless the other parent is deceased, unable to express his or her will or deprived of parental authority, and with the consent of the child if 10 years of age or over, unless the child is unable to express his or her will.

"602.2. The shared exercise of parental authority is general and gratuitous.

"602.3. A spouse who shares the exercise of parental authority acts in the capacity of holder of parental authority.

“602.4. The shared exercise of parental authority ends

- (1) when the child reaches full age or is emancipated;
- (2) if the parent who initiated it dies or becomes incapable;
- (3) if the parent who initiated it loses legal tutorship; or
- (4) if the spouses’ marriage or civil union breaks down.

In addition, the shared exercise of parental authority ends on a decision of the court following an application by the father, the mother, the spouse sharing the exercise of parental authority or the child, if 10 years of age or over.”

57. Article 603 of the Code is amended by adding the following sentence at the end: “The same applies for the father and mother and a spouse with whom there is shared exercise of parental authority.”

58. Article 655 of the Code is amended by replacing “ties of blood or of adoption” by “bonds of filiation”.

59. Article 1459 of the Code is amended by adding the following sentence at the end of the second paragraph: “The same applies to the father or mother of a child for whom a tutor has been appointed under article 206.1.”

YOUTH PROTECTION ACT

60. Section 1 of the Youth Protection Act (chapter P-34.1) is amended by replacing “by the Government” in subparagraph *f* of the first paragraph by “or under article 564 of the Civil Code”.

61. Section 11.2 of the Act is amended by adding “or, if the information concerns the adoption of a child, to the extent provided for in the Civil Code” at the end.

62. Section 11.2.1 of the Act is amended by replacing “Within the framework of this Act, no person may publish or broadcast information allowing” in the first paragraph by “No person may publish or broadcast information obtained under this Act that allows”.

63. Section 32 of the Act is amended by inserting the following subparagraph after subparagraph *e* of the first paragraph:

“(e.1) to give the director’s approval with respect to a measure referred to in section 45.2;”.

64. The Act is amended by inserting the following section after section 45.1:

“45.2. As soon as the director decides to act on a report regarding a child and until the end of the director’s intervention, no shared exercise of parental authority over the child, no tutorship under article 206.1 of the Civil Code and no adoption, including an Aboriginal customary adoption under article 543.1 of that Code, may take place without the director’s approval.

In the case of an Aboriginal customary adoption, it is the responsibility of the authority competent to issue an Aboriginal customary adoption certificate to make sure that the director has approved the adoption.”

65. Section 57.2 of the Act is amended by inserting the following subparagraph after subparagraph *e* of the first paragraph:

“(e.1) approve a measure referred to in section 45.2;”.

66. The Act is amended by inserting the following after Division VI.1 of Chapter IV:

“DIVISION VI.2

“ADOPTION OF A CHILD WHO IS UNDER THE DIRECTOR’S RESPONSIBILITY

“70.7. If the director is of the opinion that adoption is the measure most likely to protect the interests and rights of a child, the director shall consider adoption based on general or special consent, Aboriginal customary adoption under article 543.1 of the Civil Code if it takes place within the child’s community or nation, and adoption on a judicial declaration of eligibility.

In the case of such an Aboriginal customary adoption, an adoption based on special consent or on a judicial declaration of eligibility obtained by the child or a close relative of the child, the director’s approval must be obtained as required under section 45.2. In any other case, the director shall proceed as described in section 71.”

67. The headings preceding section 71 of the Act are replaced by the following headings:

“CHAPTER IV.0.1

“ADOPTION

“DIVISION I

“PROVISIONS RELATING TO THE ADOPTION OF A CHILD DOMICILED IN QUÉBEC”.

68. Section 71 of the Act is amended by replacing the portion before paragraph 1 by the following:

“71. If of the opinion that adoption based on general consent or on a judicial declaration of eligibility is the measure most likely to protect the interests and rights of a child, the director shall take all reasonable means to facilitate such an adoption, in particular,”.

69. The Act is amended by inserting the following sections after section 71:

“71.0.1. Before presenting an application for a placement order, the director must inform the parents or the tutor, the child and the adopters

(1) of the characteristics of adoption with or without formal recognition of a pre-existing bond of filiation;

(2) of the possibility of making an openness agreement among themselves for the duration of the placement and after the adoption; and

(3) of the rules applicable to identity disclosure vetoes and contact vetoes.

“71.0.2. When presenting a placement order application or whenever the tribunal so requests, the director must

(1) conduct a psychosocial assessment of the adopters;

(2) if the placement order applied for is for adoption with formal recognition of a pre-existing bond of filiation, give an opinion as to whether it is in the best interest of the child to so recognize the bond; and

(3) if an openness agreement is submitted with the application, give an opinion as to whether the agreement is in the best interest of the child.

“71.0.3. The psychosocial assessment of a person who wishes to adopt a child shall deal, among other things, with the person’s capacity to meet the child’s physical, psychological and social needs.”

70. Section 71.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“71.1. As soon as a placement order applied for by an adopter and the director is granted, the director shall give the adopter a summary of the child’s family and medical antecedents and to the child, if 14 years of age or over, on the child’s request.”;

(2) by replacing “As well” in the second paragraph by “In the same circumstances”;

(3) by striking out the third paragraph.

71. Section 71.2 of the Act is amended by inserting “, except in the case of a person who has consented to an adoption with formal recognition of a pre-existing bond of filiation,” after “must preserve the parents’ or the adopter’s anonymity”.

72. The Act is amended by inserting the following sections after section 71.2:

“**71.2.1.** The file relating to a child’s adoption must contain all the information and documents prescribed by regulation, including with regard to identity disclosure vetoes or contact vetoes registered by the adopted person or the original parents.

“**71.2.2.** It is the responsibility of adopters to inform their adopted children

- (1) of the fact that they were adopted;
- (2) of their right to know their original name and the names of their original parents, subject to identity disclosure vetoes;
- (3) of their right to obtain information allowing them to contact their original parents, subject to contact vetoes;
- (4) of their right to withdraw an identity disclosure veto automatically registered for their benefit; and
- (5) of their right to register a contact veto against their original parents.

The director may, however, provide the information described in the first paragraph to adopted persons who so request, including adopted persons under 14 years of age who have obtained the prior approval of their father and mother or tutor. The director may also provide that information to adopted persons of full age on receiving a request for information about them.

“**71.2.3.** The director may demand any information or documents needed to identify or find an adopted person or an adopted person’s original parents for the purposes of article 583 of the Civil Code, including

- (1) the information contained in the judicial records concerning the child’s adoption and the adoption judgment in the possession of the courts;
- (2) the adoption notice in the possession of the Ministère de la Santé et des Services sociaux;
- (3) the information contained in the register of civil status, including, despite article 149 of the Civil Code, the information contained in the adopted person’s original act of birth in the possession of the registrar of civil status;

(4) the signature of the original parent contained in the user record in the possession of an institution; and

(5) from documents in the possession of government departments, public bodies or institutions, the recent or former name and contact information of the person known or presumed by the director to be the adopted person, the original parent or ascendant of the adopted person or the spouse of any of them, as well as the person's sex, date and place of birth and, if applicable, date and place of marriage, civil union or de facto union and death.

Documents and information obtained under this section form part of the adoption files.

“71.2.4. Sections 71.1, 71.2, 71.2.1 and 71.2.3 apply to children eligible for adoption because consent to their adoption has been given or because they have been judicially declared eligible for adoption, and to their parents, even if the children have never been adopted.”

73. The heading preceding section 71.4 of the Act is replaced by the following:

“DIVISION II

**“PROVISIONS RELATING TO THE ADOPTION OF A CHILD
DOMICILED OUTSIDE QUÉBEC BY A PERSON DOMICILED IN
QUÉBEC**

“71.3.1. The provisions of this division, except the second paragraph of section 71.9 and section 71.10, do not apply to an Aboriginal customary adoption of a child domiciled in Canada that is recognized in accordance with article 565 of the Civil Code.”

74. Section 71.6 of the Act is amended by replacing the second paragraph by the following paragraph:

“If the Minister prescribes, pursuant to article 564 of the Civil Code, that adoption arrangements may be made otherwise than by a certified body, the Minister may make regulations prescribing the applicable terms and conditions.”

75. Section 71.9 of the Act is amended by replacing “of a motion for recognition of the decision granting an adoption made abroad” in the second paragraph by “of an application for the recognition of an adoption decision made abroad or for the recognition of an Aboriginal customary adoption of a child domiciled in Canada”.

76. The Act is amended by inserting the following section after section 71.11:

“71.11.1. It is the responsibility of adopters to inform their adopted children

- (1) of the fact that they were adopted;
- (2) of the rules applicable to the disclosure of their original name or of information about their original parents; and
- (3) of their right to refuse that any information about them be disclosed to their original parents.

The Minister may, however, provide the information described in the first paragraph to adopted persons who so request, including adopted persons under 14 years of age who have obtained the prior approval of their father and mother or tutor. The Minister may also provide that information to adopted persons of full age on receiving a request for information about them.”

77. Section 71.13 of the Act is replaced by the following section:

“71.13. The Minister may demand any information or documents needed to identify or find an adopted person or an adopted person’s original parents for the purposes of article 583 of the Civil Code, including

(1) the information contained in the judicial records concerning the child’s adoption and the adoption judgment or judgment recognizing the adoption in the possession of the courts;

(2) the information contained in the register of civil status, including, despite article 149 of the Civil Code, the information contained in the adopted person’s original act of birth in the possession of the registrar of civil status; and

(3) from documents in the possession of government departments, public bodies or institutions, the recent or former name and contact information of the person known or presumed by the Minister to be the adopted person, the original parent or ascendant of the adopted person or the spouse of any of them, as well as the person’s sex, date and place of birth and, if applicable, date and place of marriage, civil union or de facto union and death.”

78. The Act is amended by inserting the following section after section 71.13:

“71.13.1. Documents and information obtained under section 71.12 or 71.13 form part of the adoption files.”

79. The heading preceding section 71.16 of the Act is replaced by the following heading:

“DIVISION III
“CERTIFICATION”.

80. Section 71.17 of the Act is amended by replacing “by an order published in the *Gazette officielle du Québec*” in the second paragraph by “by regulation”.

81. Section 71.20 of the Act is amended by replacing “by an order of the Minister published in the *Gazette officielle du Québec*” in the first paragraph by “by a regulation of the Minister”.

82. Section 71.21 of the Act is amended by replacing “by an order published in the *Gazette officielle du Québec*” by “by regulation”.

83. Section 71.23 of the Act is amended, in the first paragraph,

(1) by replacing “or a regulation or a ministerial order under this Act” in subparagraph 5 by “or the regulations”;

(2) by replacing “ministerial order” in subparagraph 6 by “regulation”.

84. The Act is amended by striking out the heading preceding section 71.28.

85. Section 71.28 of the Act is amended by replacing “, the regulations and any ministerial order” in the first paragraph by “and the regulations”.

86. Section 72 of the Act is amended by striking out “, a regulation or a ministerial order”.

87. The Act is amended by inserting the following section after section 94:

“94.1. A copy of a decision or an order of the tribunal relating to a matter concerning a child shall also be sent forthwith to the Société québécoise d’information juridique which, as part of its functions under the Act respecting the Société québécoise d’information juridique (chapter S-20), shall see to it that sections 11.2 and 11.2.1 of this Act are complied with.”

88. Section 95.0.1 of the Act is amended by adding “or, in the case of an Aboriginal customary adoption, by decision of the tribunal on an application by the director, once the new act of birth is drawn up by the registrar of civil status” at the end of the second paragraph.

89. Section 132 of the Act is amended

(1) by inserting the following subparagraphs after subparagraph *e* of the first paragraph:

“(e.1) to prescribe the information and documents that an adoption file must contain;

“(e.2) to establish a register of the identity disclosure vetoes and contact vetoes registered by adopted persons and original parents;

“(e.3) to determine conditions for the registration or withdrawal of an identity disclosure veto or a contact veto;

“(e.4) to establish a register of consents or refusals of consent as regards the disclosure of information making it possible, in the case of children domiciled outside Québec before their adoption, to identify or contact the adopted person or the original parents;

“(e.5) to determine conditions for the registration of a consent or a refusal of consent to the disclosure of information;”;

(2) by striking out the second paragraph.

90. Section 133 of the Act is repealed.

91. Section 134 of the Act is amended by adding “or the Civil Code” at the end of subparagraph *g* of the first paragraph.

92. The Act is amended by inserting the following section after section 135:

“135.0.0.1. An adopted person or an original parent who obtains identifying information on the condition of complying with a contact veto or a refusal of contact and violates that condition is guilty of an offence and is liable to a fine of \$2,500 to \$25,000.”

93. Section 135.2 of the Act is amended by inserting “, 135.0.0.1” after “135”.

94. Section 135.2.1 of the Act is amended by inserting “135.0.0.1,” after “any of sections” in the first paragraph.

95. Section 156 of the Act is amended

(1) by adding “, except with respect to the director’s intervention under section 95.0.1” at the end of the first sentence;

(2) by inserting “the provision relating to such intervention and” before “the other sections” in the second sentence.

OTHER AMENDING PROVISIONS

HEALTH INSURANCE ACT

96. Section 65 of the Health Insurance Act (chapter A-29) is amended by replacing the ninth paragraph by the following paragraph:

“The Board may transmit to the director of youth protection of a child and youth protection centre or the Minister of Health and Social Services, on request, the name, date of birth, sex, address and telephone numbers of any person entered in its register of insured persons and, if applicable, the person’s date of death and address at the time of death for the purpose of enabling the director or the Minister to identify or find, for the purposes of article 583 of the Civil

Code, an adopted person or the person's original parents. The name of the spouse of the person entered in the register may also be transmitted if the other information has not enabled the director or the Minister to find the adopted person or the original parents."

CODE OF CIVIL PROCEDURE

97. Article 44.1 of the Code of Civil Procedure (chapter C-25) is amended

(1) by striking out "et sur" at the end of subparagraph 1 of the first paragraph in the French text;

(2) by striking out the second sentence of the second paragraph;

(3) by inserting the following paragraphs after the second paragraph:

"The special clerk may also homologate an agreement to revoke a court-approved openness agreement relating to an adopted person.

A homologated agreement has the same effects and the same binding force as a court judgment."

98. Article 45 of the Code is amended, in the second paragraph,

(1) by replacing "In the case of an application referred to in the second paragraph of article 44.1" in the first sentence by "In the case of an application for homologation under the second or third paragraph of article 44.1";

(2) by replacing "a party's consent" in the first sentence by "the consent of a party or that of the children, when required,";

(3) by replacing "the consent of the parties, summon and hear the parties" in the second sentence by "the consent of the persons involved, summon and hear them".

99. The Code is amended by inserting the following article after article 473:

"473.1. The clerk of the court that rendered an adoption judgment or a judgment recognizing an adoption relating to a child domiciled outside Québec notifies the judgment to the Minister of Health and Social Services as soon as it has become final, together with the certificate issued pursuant to article 573.1 of the Civil Code."

100. Article 814.1 of the Code is amended by replacing "pursuant to the second paragraph" by "pursuant to the second or third paragraph".

101. Article 815.5 of the Code is amended by inserting "and the child if the child's consent is required" after "hear the parties" in the second paragraph.

102. The Code is amended by inserting the following article at the beginning of Section I of Chapter VI of Title Four of Book Five:

“822.6. An application relating to the adoption of a child must state the child’s place of residence and the child’s status as a Canadian citizen, permanent resident or person authorized to remain or settle in Canada permanently. If the original parents are domiciled outside Québec, the application must also specify their State of domicile.”

103. Article 823 of the Code is amended

(1) in the first paragraph,

(a) by replacing “Applications in matters pertaining to the adoption of a minor must be served on” by “An application relating to the adoption of a minor child must be notified to”;

(b) by adding the following sentence at the end: “In the latter case, the application must also be notified to the Minister of Health and Social Services.”;

(2) by replacing the second paragraph by the following paragraph:

“The director and the Minister may intervene of right in connection with the application.”

104. Article 823.1 of the Code is amended

(1) by replacing “of the adopters to the father, mother and tutor, and vice versa” in the first sentence by “between the adopters and the father, the mother or the tutor, except in the case of a person who has consented to an adoption with formal recognition of a pre-existing bond of filiation”;

(2) by adding the following paragraph at the end:

“The anonymity rule also applies when an application must be served on a party or on an interested person.”

105. Article 823.2 of the Code is amended by adding “, except in the case of a person who had consented to an adoption with formal recognition of a pre-existing bond of filiation” at the end.

106. Article 823.4 of the Code is amended by replacing “in the case of special consent to adoption” by “in the case of the adoption of a child domiciled in Québec on the basis of special consent or a judicial declaration of eligibility obtained by the child or a close relative of the child, nor does it apply in the case of an application for the recognition of an Aboriginal customary adoption under article 574.1 of the Civil Code”.

107. Article 825 of the Code is amended

(1) by replacing “except in the case of special consent to adoption” by “except in the case of an adoption on the basis of special consent to adoption or a judicial declaration of eligibility obtained by the child or a close relative of the child”;

(2) by adding the following paragraph at the end:

“When the application is presented by the adopter and the director of youth protection, it must be accompanied by a psychosocial assessment of the adopters and, if pertinent, an opinion as to whether it is in the best interest of the child to formally recognize a pre-existing bond of filiation.”

108. Article 825.1 of the Code is amended by replacing the second paragraph by the following paragraph:

“In the case of an adoption based on special consent or on a judicial declaration of eligibility obtained by the child or a close relative of the child, the notice of the application for placement is served by the applicant. If the child is domiciled outside Québec, the notice is notified by the director of youth protection to the Minister of Health and Social Services.”

109. The Code is amended by inserting the following articles after article 825.1.1:

“**825.1.2.** Notice of the application for placement, stating the names of the child and the child’s parents, the child’s date of birth and their place of domicile, is notified by the applicant to the director of youth protection having jurisdiction in the child’s place of residence if the director is not a party to the application.

“**825.1.3.** The application for placement may be accompanied by an application for the approval of an openness agreement regarding the child.

Any application for the amendment or revocation of an openness agreement is presented by one of the parties to the agreement or by the child.

Any application relating to an openness agreement must be served on the parties to the agreement and on the child if 10 years of age or over. It must also be notified to the director of youth protection, unless the adoption is based on special consent or on a judicial declaration of eligibility obtained by the child or a close relative of the child.”

110. Article 825.6 of the Code is replaced by the following article:

“**825.6.** An application for the recognition of an adoption granted outside Québec or an adoption having taken place in Canada according to Aboriginal custom is presented by the adopter or the adopted person.

To be admissible, the application must be accompanied by certified copies of the adoption decision or the document certifying the adoption issued by the competent authority, and of the foreign law.”

111. Article 825.7 of the Code is amended by striking out “and the alteration of the register of civil status” at the end.

112. The Code is amended by inserting the following article at the beginning of Chapter VII of Title Four of Book Five:

“825.15. An application for authorization to share the exercise of parental authority is presented by the child’s parent and the parent’s spouse. It must be served on the child’s other parent and on the child if 10 years of age or over when their consent is required.

An application to terminate the shared exercise of parental authority may be presented by any of those persons and must be served on the others.

Notice of the application, stating the names of the child, the child’s parents and the spouse, the child’s date of birth and their place of domicile, is notified by the applicant to the director of youth protection having jurisdiction in the child’s place of residence.”

113. Article 863.4 of the Code is amended by adding the following paragraph at the end:

“This article does not apply to an application relating to the appointment of a tutor under article 206.1 of the Civil Code nor to an application relating to the replacement of a tutor so appointed.”

114. The Code is amended by inserting the following articles at the beginning of Chapter VI.1 of Book Six:

“876.1.1. An application for the appointment of a tutor under article 206.1 of the Civil Code presented by the mother and father or either parent of the child concerned must be presented jointly with the designated tutor.

If the application is presented by a person who could be appointed as tutor, it must be served on the child’s father and mother when their consent is required.

Any such application must be served on the child if 10 years of age or over when the child’s consent is required.

Notice of the application, stating the names of the child and the child’s parents, the child’s date of birth and their place of domicile, is notified by the applicant to the director of youth protection having jurisdiction in the child’s place of residence.

“876.1.2. An application to reinstate the father and mother in their rights and duties must be served on the persons who were party to the application for the appointment of a tutor and on the child if 10 years of age or over.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

115. Section 19 of the Act respecting health services and social services (chapter S-4.2), amended by section 160 of chapter 23 of the statutes of 2012, is again amended by adding the following paragraph after paragraph 13:

“(14) to the director of youth protection or the Minister of Health and Social Services, in accordance with section 71.2.3 or 71.13 of the Youth Protection Act (chapter P-34.1), if the information is needed to identify or find an adopted person or an adopted person’s original parents for the purposes of article 583 of the Civil Code.”

116. Section 82 of the Act is amended by replacing “biological history” at the end of the first paragraph by “research into family and medical antecedents and adoption reunions”.

MINISTERIAL ORDER RESPECTING THE ADOPTION WITHOUT A CERTIFIED BODY OF A CHILD DOMICILED OUTSIDE QUÉBEC BY A PERSON DOMICILED IN QUÉBEC

117. The title of the Ministerial Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec (chapter P-34.1, r. 2) is amended by replacing “Ministerial Order” by “Regulation”.

118. Section 1 of the Order is amended by replacing “Order” by “regulation”.

119. Section 2 of the Order is amended

(1) by replacing “rencontrent les critères” in the French text by “satisfont aux critères”;

(2) by replacing “Order” by “regulation”.

120. Section 3 of the Order is amended

(1) by replacing “rencontre les critères” in the French text by “satisfait aux critères”;

(2) by replacing “Order” by “regulation”.

121. Sections 5, 10 and 24 of the Order are amended by replacing all occurrences of “Order” by “regulation”.

122. Section 23 of the Order is amended

(1) by replacing “a full adoption” in the first paragraph by “an adoption that severs the child’s pre-existing bonds of filiation”;

(2) by replacing “Order” in the second paragraph by “regulation”.

123. Section 30 of the Order is replaced by the following section:

“**30.** Upon receiving the court’s decision, the adopter must send a copy to the Minister.”

MINISTERIAL ORDER RESPECTING THE CERTIFICATION OF INTERCOUNTRY ADOPTION BODIES

124. The title of the Ministerial Order respecting the certification of intercountry adoption bodies (chapter P-34.1, r. 3) is amended by replacing “Ministerial Order” by “Regulation”.

125. Section 1 of the Order is amended by replacing “Order” by “regulation”.

126. Section 2 of the Order is amended by replacing “biological parents” in subparagraph 6 of the first paragraph by “original parents”.

127. Section 7 of the Order is amended by replacing “Order” by “regulation” and by replacing “émise” in the French text by “délivrée”.

128. Sections 9, 25 and 28 of the Order are amended by replacing all occurrences of “Order” by “regulation”, except in the title of the Order in section 28.

TRANSITIONAL AND FINAL PROVISIONS

129. Any refusal, by an adopted person or either original parent, to consent to the disclosure of their identity or to a reunion registered in the adoption file before the date of coming into force of article 583 of the Civil Code, enacted by section 52, is replaced by an identity disclosure veto or a contact veto, as the case may be, that may be withdrawn at any time by the person concerned. Such vetoes are to be recorded in the register established under the Youth Protection Act (chapter P-34.1).

In the case of an adoption of a child domiciled outside Québec, the registration of any refusal to consent to identity disclosure or a reunion registered before the date of coming into force of article 583.10 of the Civil Code, enacted by section 52, is maintained and recorded in the register established under the Youth Protection Act.

130. No information relating to a person described in the second paragraph of article 583.2 of the Civil Code, enacted by section 52, who died before the date that occurs 18 months after the date of coming into force of that paragraph may be revealed, even in the absence of a veto, in the year following the person’s death.

131. Acts of birth drawn up before the date of coming into force of article 543.1 of the Civil Code enacted by section 23 following an Inuit customary adoption are validated insofar as they were not drawn up on the basis of a legislative provision.

132. The provisions of this Act come into force on the date or dates to be set by the Government.

